

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2151

Introduced by Assembly Member Torres

February 18, 2010

~~An act to amend Section 3102 of the Government Code, relating to public employment. An act to amend Section 557.5 of the Insurance Code, and to amend Section 16051 of the Vehicle Code, relating to insurance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Torres. ~~Public employment: disaster service workers: oath or affirmation of allegiance. Insurance: public safety employees: accidents.~~

Existing law provides that a peace officer, member of the Department of the California Highway Patrol, or firefighter shall not be required to report any accident in which he or she is involved while operating any employer-leased or employer-rented vehicle, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy.

This bill would additionally provide that a peace officer, member of the Department of the California Highway Patrol, or firefighter shall not be required to report, and the employer of the same may not require or request that a peace officer, member of the Department of the California Highway Patrol, or firefighter report, any accident in which he or she is involved while operating his or her private vehicle at the request or direction of his or her employer in the performance of his

or her duty to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy. The bill would make conforming changes relating to proof of financial responsibility, in the event of an accident involving a vehicle operated on behalf of a public agency.

~~Existing law requires all disaster service workers to, before they enter upon the duties of their employment, take and subscribe to an oath or affirmation, as specified. Existing law authorizes, in the case of intermittent, temporary, emergency or successive employments and in the discretion of the employing agency, the taking and subscribing of that oath to be effective for all successive periods of employment which commence within one calendar year from the date of that subscription. Notwithstanding that provision, the oath taken and subscribed by a person who is a member of an emergency organization sanctioned by a state agency or an accredited disaster council, whose members are duly enrolled or registered with the Office of Emergency Services, or any accredited disaster council of any political subdivision, is effective for the period the person remains a member with that organization.~~

~~Existing law requires the term “Office of Emergency Services” to be construed to refer to the California Emergency Management Agency whenever it appears in any statute, regulation, or contract, unless the context clearly requires otherwise.~~

~~This bill would replace the term “Office of Emergency Services” with the term “California Emergency Management Agency” in the above described provision pertaining to oaths.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 557.5 of the Insurance Code is amended
2 to read:
3 557.5. ~~No~~-(a) A peace officer, member of the Department of
4 the California Highway Patrol, or firefighter shall *not* be required
5 to report, nor shall any employer of the same be authorized to
6 request or require that a peace officer, member of the Department
7 of the California Highway Patrol, or firefighter report, any accident
8 in which he or she is involved while operating an authorized
9 emergency vehicle, as defined in subdivision (a), (b), or (f) of
10 Section 165 of the Vehicle Code, ~~or any employer-leased or~~

1 employer-rented vehicle, *or any private vehicle of the employee*
 2 *if operated at the request or direction of the employer in the*
 3 *performance of his or her duty* ~~during the hours of his or her~~
 4 ~~employment~~, to any person who has issued that peace officer,
 5 member of the Department of the California Highway Patrol, or
 6 firefighter a private automobile insurance policy. *Peace officers,*
 7 *members of the Department of the California Highway Patrol, and*
 8 *firefighters shall be indemnified for losses from an accident*
 9 *described in this section pursuant to Section 825 of the Government*
 10 *Code.*

11 As

12 (b) As used in this section:

13 (a)

14 (1) "Peace officer" means every person defined in Chapter 4.5
 15 (commencing with Section 830) of Title 3 of Part 2 of the Penal
 16 Code.

17 (b)

18 (2) "Policy" shall have the same meaning as defined in
 19 subdivision (a) of Section 660.

20 SEC. 2. Section 16051 of the Vehicle Code is amended to read:

21 16051. ~~Evidence~~ (a) Evidence may be established by filing a
 22 report indicating that the motor vehicle involved in the accident
 23 was owned, rented, or leased by or under the direction of the United
 24 States, this state, or any political subdivision of this state or
 25 municipality thereof.

26 (b) Evidence may be established by filing a report indicating
 27 that the motor vehicle involved in the accident was owned and
 28 operated by a peace officer, member of the Department of the
 29 California Highway Patrol, or firefighter in the performance of
 30 his or her duty, and at the request of or under the direction of the
 31 United States, this state, or any political subdivision or
 32 municipality of this state.

33 SECTION 1. ~~Section 3102 of the Government Code is amended~~
 34 ~~to read:~~

35 3102. (a) ~~All disaster service workers shall, before they enter~~
 36 ~~upon the duties of their employment, take and subscribe to the~~
 37 ~~oath or affirmation required by this chapter.~~

38 (b) ~~In the case of intermittent, temporary, emergency or~~
 39 ~~successive employments, then in the discretion of the employing~~
 40 ~~agency, an oath taken and subscribed as required by this chapter~~

1 shall be effective for the purposes of this chapter for all successive
2 periods of employment which commence within one calendar year
3 from the date of that subscription.
4 (e) ~~Notwithstanding subdivision (b), the oath taken and~~
5 ~~subscribed by a person who is a member of an emergency~~
6 ~~organization sanctioned by a state agency or an accredited disaster~~
7 ~~council, whose members are duly enrolled or registered with the~~
8 ~~California Emergency Management Agency, or any accredited~~
9 ~~disaster council of any political subdivision, shall be effective for~~
10 ~~the period the person remains a member with that organization.~~